

Faulk, Camilla

From: Mohr, Julie [jmohr@co.snohomish.wa.us]
Sent: Friday, April 30, 2010 3:36 PM
To: Faulk, Camilla
Subject: Comment to Proposed Amendment to IRLJ 3.1 from Snohomish County Prosecutor's Office

Proposed Rule Committee,

The proposed deletion of "no other discovery will be required" in IRLJ 3.1(b) may have a twofold effect. First, it may undermine the intended purpose of the IRLJ's themselves. The intent of the rules is to secure a just, speedy, and inexpensive determination of every infraction case. Not including the limiting language will quickly result in defense counsel flooding the prosecuting authority with requests that are unreasonable or irrelevant, while simultaneously removing the courts' means of denying them. This will slow down the process, increase the expense, and ultimately endanger the public as chronic violators will be less likely to be held accountable. Removing this language will throw the door wide open and encourage ever more onerous and frivolous discovery demands as a means of defense.

Secondly, it also has the potential to create an inconsistency among the various jurisdictions as to their interpretation of the rules. It is a very logical step to say although the IRLJ lists what discovery must be provided, it does not limit it. As a matter of fact, if it was the court's intent to limit the required discovery the court would not have eliminated the language "no other discovery will be required." Therefore, failure to provide certain discovery which has been requested should amount to a dismissal. Other jurisdictions may limit the required discovery as to what is specifically listed in the rules. These rules should provide consistency among the various jurisdictions, not create the potential for inconsistency.

The other proposed changes to the rule appear to be not only consistent with the purpose of the IRLJ, but fair. We respectfully request that the limiting language in the current rule be reinserted to the proposed rule.

Mark K. Roe
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